

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re Application of)

Hunein F. Maassab and Martha L. Herlocher)

Group Art Unit: 1813)

Serial No.: 08/082,846)

Examiner: A. Caputa)

Filed June 29, 1993)

For COLD-ADAPTED INFLUENZA VIRUS)

AMENDMENT TRANSMITTAL LETTER

The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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JUN 21 1994

GROUP 1800

Sir:

Transmitted herewith is an amendment in the above patent application:

- ☐ Verified Statement of Small Entity Status _ enclosed _ previously submitted
- ☐ Petition for Extension of Time Enclosed.
- ☒ No additional fee is required.
- ☐ An additional fee is required, and has been calculated below:
- ☒ Other enclosures: Change of Entity Status, Certificate Under 37 CFR 3.73(b), Revocation and Power of Attorney and Acknowledgement post card

No. Claims in Application After This Amendment	Highest No. Claims Previously Paid For	Extra Claims (Not Less Than 0)	Additional Fee
A. Total Claims <u>18</u>	minus <u>20</u>	= <u>0</u> x \$ 22.00	= \$ <u>0</u>
B. Independent Claims <u>10</u>	minus <u>3</u>	= <u>7</u> x \$ 74.00	= \$ <u>74.00</u>
C. If amended to contain multiple dependent claims, add		\$ 230.00	= \$ <u>0</u>
D. Total Amendment Fee (TOTAL A, B, & C)			\$ <u>74.00</u>
E. If small entity, fifty percent reduction of Total Amendment Fee (50% x D)			\$ <u>0</u>
F. Total Additional Fee Due For This Amendment (D minus E)			\$ <u>0</u>

A check in the amount of \$ 74.00 is attached.

Charge \$ _ to Deposit Account No. 03-1952.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By Anna Lewak Wight
Anna Lewak Wight
Registration No. 33,006

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 6, 1994.

June 6, 1994
Date

Gary Carasco
Gary Carasco



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PATENT

Atty Dkt 20344-2025700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 6, 1994

6/6/94
Date

Gary Carrasco
Gary Carrasco

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hunein F. Maassab and Martha L. Herlocher

Serial No.: 08/082,846

Group Art Unit: 1813

Filing Date: June 29, 1993

Examiner: A. Caputa

Title: COLD-ADAPTED INFLUENZA VIRUS

RESPONSE TO RESTRICTION REQUIREMENT

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GROUP 1800

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This is in response to the Restriction Requirement mailed May 6, 1994, for which the 30-day shortened statutory period for response expires June 5, 1994.

Please amend the claims as follows:

Please add new claim 18.

B1
18. (ADDED) An isolated nucleic acid having a nucleotide sequence comprising at least one of the following sequences: SEQ ID 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, or any combination thereof.

REMARKS

Claims 1-17 are pending and subject to a restriction requirement. Claim 18 has been added.

The Examiner has issued a Restriction Requirement, finding the following two inventions in the application:

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Group I (Claims 1-9, 12-17) drawn to nucleic acid sequence, reassortant influenza virus, vaccine and method of treatment; and

Group II (Claims 10, 11) drawn to polypeptide.

The Examiner has also requested the election of a single species for prosecution, finding no claim generic. The Examiner has also asked Applicants to confirm the SEQ ID Nos. set forth in the Restriction Requirement.

With respect to the Examiner's request for confirmation of the SEQ IDs, Applicants have found certain discrepancies set forth in the Restriction Requirement and provide the Examiner with the following SEQ ID numbers for Groups I and II:

Group I

- a. NS1-SEQ ID 1, 21
- b. NS2-SEQ ID 3, 23
- c. M-SEQ ID 5, 7, 25, 27
- d. NP-SEQ ID 9, 39
- e. PA-SEQ ID 11, 33
- f. PB1-SEQ ID 13, 31
- g. PB2-SEQ ID 15 29
- h. HA-SEQ ID 17, 35
- i. NA-SEQ ID 19, 37
- j. combination thereof

Group II

- a. NS1-SEQ ID 2, 22
- b. NS2-SEQ ID 4, 24
- c. M-SEQ ID 6, 8, 26, 28
- d. NP-SEQ ID 10, 40
- e. PA-SEQ ID 12, 34
- f. PB1-SEQ ID 14, 32
- g. PB2-SEQ ID 16, 30
- h. HA-SEQ ID 18, 36
- i. NA-SEQ ID 20, 38
- j. combination thereof

As to the restriction requirement, Applicants elect the invention of Group I, and species g of Group I, i.e. PB2-SEQ ID 15 (ca), 29 (wt2). Pursuant to the telephone discussion

with the Examiner on June 2, 1994, Applicants have also added Claim 18 which Applicants respectively submit obviates the lack of a generic claim as to the sequence claims. Applicants also respectively request the Examiner to contact the undersigned should Claim 18 not meet the Examiner's concerns as discussed on the telephone.

Applicants thus respectfully submit that the elected claims stand ready and in condition for allowance and such allowance is courteously solicited. Applicants also expressly reserve their right under 35 USC 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our Deposit Account No. 03-1952. However, the Commissioner is not at this time authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

By 
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